

## **REMARKS/ARGUMENTS**

### **Interview Summary In Accordance with 37 CFR 1.133**

On June 12, 2007 at approximately 11:00 AM EST, a telephonic interview was conducted between Examiner Alford W. Kindred of the USPTO and Michael C. Martensen representing the Applicant. Also in attendance were inventors Nahum Rand and Douglas Kark. During the interview, the inventors described several novel aspects of the invention to Examiner Kindred and provided real world examples of how the invention is currently being implemented. Elements of the present claims were discussed with respect to these examples to better illustrate the Applicant's invention over the cited art.

The use of a combination of spatial and lexical matching was discussed with Examiner Kindred describing the invention's ability to match existing reference records to transactional data even when the transactional data is rife with errors that would otherwise prevent an exact match. A discussion of how to amend the claims to capture these significant issues ensued as well as discussing two proposed claims. The Examiner agreed that given his new understanding of the invention, the art would be reconsidered and while a new Examiner would likely be assigned, he would remain involved in the case.

The interview concluded at approximately 12:30 PM EST. The Applicant thanks Examiner Kindred for his participation in the interview and his consideration of the Applicant's position.

### **Amendment of the Claims**

Claims 1-17, 33-36 and 40-49 were presented for examination and are pending in this application. In an Official Office Action dated May 9, 2007, claims 1-17, 33-36 and 40-49 were rejected. The Applicant thanks the Examiner for his

consideration and addresses the Examiner's comments concerning the claims pending in this application below.

Applicant herein amends claims 1, 33 and 42 and respectfully traverses the Examiner's prior rejections. No claims are presently cancelled and two new claims (50 and 51) are presently added. These changes are believed not to introduce new matter, and their entry is respectfully requested. The claims have been amended to expedite the prosecution and issuance of the application. In making this amendment, the Applicant has not and is not narrowing the scope of the protection to which the Applicant considers the claimed invention to be entitled and does not concede, directly or by implication, that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, the Applicant reserves the right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and withdraw them.

#### **Request for Supervisory Patent Examiner Review under MPEP 707.02**

The present application has been under prosecution since September 2003 and has received eight (8) office actions including two requests for appeal. The Applicant requests the disposition of this case be raised to the Supervisory Patent Examiner for review after the Primary Examiner considers the merits of the present response.

### **35 U.S.C. §103(a) Obviousness Rejection of Claims**

Claims 1-17, 33-36 and 40-49 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/01999506 by Shaffer et al. ("Shaffer") in view of U.S. Patent Application Publication No. 2006/0136589 by Konig et al. ("Konig"). Applicant respectfully traverses these rejections in light of the aforementioned amendment and previous remarks. Reconsideration is respectfully requested.

Before addressing the specific claim language of claim 1, 33 and 42 and how they differ from Shaffer and Konig it may be worthwhile discussing more generally the Applicant's invention as described in the specification and discussed in the interview of June 12, 2007.

Using existing databases containing a plurality of reference records associating business and spatial information about channel participants, the present invention undertakes the process of matching transaction data that is related to, but not precisely matching, at least one of these channel participants. The Applicant's previously filed appeal briefs describe this process in detail as does the specification. Significantly, the matching process combines both spatial and lexical matching to achieve a match using otherwise imprecise transaction data. First, a group of channel participants is determined using spatial and/or lexical matching of business data. Thereafter, this group of identified reference records is again analyzed to determine the best match so as to identify the most likely channel participant to the transaction data. This combination is deemed by the Applicant as not taught or suggested by either Shaffer or Konig, either separately or in combination.

As has been previously argued and discussed during the interview, Shaffer teaches using a single identifier to locate a single reference record. Using this identifier Shaffer locates an exact match. Admittedly that reference

record may possess spatial data but Shaffer fails to identify more than one record from the same transactional data as is claimed and would not locate any reference records when a comparison of the transactional data to the identifier were not identical. To read on the Applicant's invention, Shaffer's identifier would have to produce a plurality of possible matches even when an identical match does not exist. Shaffer fails to meet this requirement.

The rejection turns to Konig to supply this aspect but Konig fails to consider the combined spatial and lexical comparison process claimed by the Applicant. If Konig is read to address the Applicant's claimed candidate identification mechanism (and the Applicant deems it does not), the claimed matching mechanism is still absent from the combined cited art. As is shown in claim 1 and its dependent claims, as well as in claims 33 and 42, the determination of a reference record that matches transaction data that taken alone would not match any reference record, is unique.

For example claim 17, which incorporates the limitations of claims 1, 6, 9, 13, 15 and 16, claims a process by which more than one reference record candidate from the various records existing in the reference record databases is determined using both spatial and business data derived (lexical matching) from the transaction data. The candidate identification mechanism further retrieves reference records that have spatial data substantially matching the spatial data obtained from the transaction record. Thereafter, a lexical matching process is employed to correlate non-spatial (business) data in the transaction record with non-spatial data in the candidate reference records to produce a selection score. That score is applied to a selection process so as to select a candidate reference record based on the generated score exceeding a pre-selected threshold value.

The present invention uses a combination of spatial and lexical business data matching to circumvent errors in the transaction data, so as to identify a match with existing reference records. The Applicant contends that Shaffer, in view of Konig, fails to teach or suggest the present invention, and thus deems the application patentable.

The Applicant strongly urges the new Examiner of record to confer with Examiner Kindred and, if the Examiner feels it would aid in his understanding of the invention, contact the Applicant.

In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicant's attorney at the telephone number listed below.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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